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Habit-Forming Drugs—Searching of Premises for. (Ch. 117, Act Apr. 9, 1916.)

Section 1 of chapter 372 of the acts of the year 1911, as amended by section 1 of chapter 283 ¹ of the acts of the year 1912, and by section 1 of chapter 159 ² of the general acts of the year 1915, is hereby further amended by striking out the said section and inserting in place thereof the following:

SECTION 1. If a person makes complaint under oath to a police, district, or municipal court, or to a trial justice or justice of the peace authorized to issue warrants in criminal cases, that he has reason to believe that opium, morphine, heroin, codeine, cannabis indica, cannabis sativa, peyote, or any other hypnotic drug, or any salt, compound; or preparation of said substances, or any cocaine, alpha or beta eucaine, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, is kept or deposited by a person named therein in a store, shop, warehouse, building, vehicle, steamboat, vessel, or any place whatever other than a manufacturer or jobber, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, registered nurse, employees of incorporated hospitals, or a common carrier or porter when transporting any drug mentioned herein between parties hereinbefore mentioned, such court or justice, if it appears that there is probable cause to believe that said complaint is true, shall issue a search warrant to a sheriff, deputy sheriff, city marshal, chief of police, deputy marshal, police officer, or constable commanding him to search the premises in which it is alleged that any of the above-mentioned drugs is kept or deposited, and to seize and securely keep the same until final action, and to arrest the person or persons in whose possession it is found, together with all persons present if any of the aforesaid substances is found, and to return forthwith the warrant, with his doings thereon, to a court or trial justice having jurisdiction in the place in which said substance is alleged to be kept or deposited.

Poisons—Sale of. (Ch. 78, Act Mar. 28, 1916.)

SECTION 1. Section 2 of chapter 213 of the Revised Laws, as amended by chapter 263 ³ of the acts of the year 1912, and by chapter 585 of the acts of the year 1913, is hereby further amended by striking out the words "laudanum, McMunn's elixir, morphia or any of its salts," in the sixth and seventh lines, and by striking out the word "opium" in the seventh line, so as to read as follows:

SEC. 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, oil of pennyroyal, oil of savin, oil of tansy, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, compounds of fluorine, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box, or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words "poison" and "antidote," and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle,

¹ Reprint No. 200 from the Public Health Reports, p. 111.

² Public Health Reports, May 28, 1915, p. 1663.

³ Reprint No. 200 from the Public Health Reports, p. 112.

box, or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than \$50. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple, or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines, or trees, except that he shall record each sale and label each package sold, as above provided. Nor shall the provisions of this section apply to sales of compounds containing not more than 50 per cent of sodium fluoride intended solely for the destruction of roaches, ants, or other household insects when sold in sealed metal packages containing not less than one-fourth of a pound plainly labeled in such a manner as to show the purposes for which the preparation is intended.

Sewage and Waste—Prevention of Discharge or Entrance into Neponset River.
(Ch. 180, Act May 8, 1916.)

Section 1 of chapter 541 of the acts of the year 1902, as amended by section 1 of chapter 360 of the acts of the year 1906, is hereby further amended by striking out the said section and inserting in place thereof the following:

SECTION 1. The State department of health is hereby authorized and directed to prohibit the entrance or discharge of sewage into any part of the Neponset River or its tributaries, and to prevent the entrance or discharge therein of any other substance which may be injurious to the public health or may tend to create a public nuisance or to obstruct the flow of water, including all waste or refuse from any factory or other establishment where persons are employed, unless the owner thereof shall use the best practicable and reasonably available means to render such waste or refuse harmless.

Advertisements—Untrue, Deceptive, or Misleading, Prohibited. (Ch. 149, Act Apr. 24, 1916.)

SECTION 1. Any person who, with intent to sell or in anywise dispose of merchandise, securities, service, or anything offered by such person, directly or indirectly, to the public for sale or distribution, or who with intent to increase the consumption of or demand for such merchandise, securities, service, or other thing, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public within the Commonwealth, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading, and which such person knew, or might on reasonable investigation have ascertained to be untrue, deceptive, or misleading, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10 or more than \$500 for each offense: *Provided, however,* That the provisions of this act shall not apply to any owner, publisher, printer, agent, or employee of a newspaper or other publication, periodical, or circular, or to any agent of the advertiser who in good faith and without knowledge of the falsity or deceptive character thereof publishes, causes to be published, or participates in the publication of such advertisement.

SEC. 2. The term "person" as used in section 1 shall include a partnership, corporation, or association.

SEC. 3. Chapter 489 of the acts of the year 1912, as amended by chapter 288 of the acts of the year 1914 is hereby repealed.